

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

Plaintiff,

- vs. -

Civil Action No. 05-CV-10780-NMG

CHARLES WHITMAN a.k.a. Chuck
Whitman, C.T.W. DEVELOPMENT
CORPORATION, RESTAURANT
CONCEPTS UNLIMITED CORPORATION,

Defendants.

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule 26.2(A), Plaintiff, Ground Round Independent Owners Cooperative, LLC (the "IOC") hereby makes the following initial disclosures. Plaintiff is disclosing documents and information which is presently known or has been discovered in the exercise of reasonable diligence and which the IOC believes in good faith it may use to support its claims or defenses. These disclosures are submitted without prejudice to the IOC's right to amend or supplement these disclosures as additional facts become known during discovery, as additional information is discovered, as defendants respond to plaintiff's discovery requests, as defendants disclose the basis of their defenses, or as such supplementation may be otherwise required.

A. List of Witnesses (Federal Rules of Civil Procedure 26(a)(1)(A))

1. David D. Turner

Mr. Turner possesses information concerning the factual allegations in the Complaint, and in particular the Franchise Agreement and Guarantees at issue.

2. Mollie J. Turner

Mrs. Turner possesses information concerning the factual allegations in the Complaint, and in particular the Franchise Agreement and Guarantees at issue.

3. Charles T. Whitman

Mr. Whitman possesses information concerning the factual allegations in the Complaint.

4. Russell C. Savrann

Mr. Savrann possesses information concerning the factual allegations in the Complaint, and in particular the Franchise Agreement and Guarantees at issue.

5. Robin L. Moroz

Mrs. Moroz possesses information concerning the factual allegations in the Complaint, and in particular the Franchise Agreement and Guarantees at issue.

6. Jack Crawford

Mr. Crawford is an officer of the IOC and possesses information concerning the allegations in the Complaint.

7. Gary Serino

Mr. Serino is an officer of the IOC and possesses information concerning the allegations in the Complaint.

This list of witnesses is submitted without prejudice to the IOC's right to amend if more detailed information becomes available through further investigation and discovery.

B. List of Documents (Federal Rules of Civil Procedure 26(a)(1)(B))

1. The lease agreement entered into by and between The Ground Round, Inc. and D&M Turner Enterprises, Inc.;
2. Partial Release of Guarantee (Warren, Ohio); and

3. Correspondence by and between The Ground Round, Inc. (and/or IOC) and D&M Turner Enterprises, Inc. and Charles T. Whitman.
4. Correspondence between the IOC and the Defendants.
5. Other contractual documents between the IOC and the Defendants.

This document list is submitted without prejudice to the IOC's right to amend if more detailed information becomes available through further investigation and discovery.

C. Damage Categorization (Federal Rules of Civil Procedure 26(a)(1)(C))

On the breach of contract claim, the IOC estimates that damages range anywhere from \$145,000 to \$300,000, including amounts in fees due and owing by the Defendants under the Franchise Agreement. To calculate the exact amount, the IOC will need the Defendants to complete and submit sales reporting data as required under the franchise agreement. The IOC has not yet finalized its calculations of its damages on its other claims.

D. Insurance

The IOC is currently unaware of any insurance which may be available to satisfy judgment in this case.

Respectfully Submitted,

Plaintiff,
GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

By its attorneys,

/s/ Richard C. Pedone

Richard C. Pedone, BBO No. 630716
Juan A. Concepción, BBO No. 658908
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Dated: September 16, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above document has been furnished to all counsel of record via first class mail on September 16, 2005.

/s/ Juan Alexander Concepción

Juan Alexander Concepción